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ZNR UUUUU ZZH
P 230825Z JAN 08
FM AMEMBASSY MADRID
TO RUEHC/SECSTATE WASHDC PRIORITY 4108
INFO RHMFIUU/FAA NATIONAL HQ LONGMONT WASHDC PRIORITY
RUEHLA/AMCONSUL BARCELONA 3246

UNCLAS MADRID 000064

SIPDIS

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STATE FOR EEB/TRA/OTP: KRISTIN R. GUSTAVSON

E.O. 12958: N/A

TAGS: FAIR SP ECON

SUBJECT: CIVAIR: DEMARCHE DELIVERED ON VIOLATION OF FEDERAL AVIATION REGULATIONS

REF: SECSTATE 167503

¶1. On January 18, Econoff delivered reftel demarche to Santiago Quiros, Case Officer from the Ministry of Infrastructure's Civil Aviation Directorate. Econoff informed Quiros that in August 2007, potential Spanish citizen Jose Munoz allegedly violated U.S. federal aviation regulations by smoking on board a Continental Airlines flight on route to Newark, NJ from Paris. Quiros expressed appreciation for the notification but advised Econoff that under GOS regulations, the Spanish government can only pursue an investigation if the air carrier is of Spanish provenance or if the incident occurs over Spanish airspace. Spanish regulations do not permit the Civil Aviation Directorate to pursue a case based on the individual's nationality. Since the aircraft is not/not of Spanish origin, and there is no indication that the infraction occurred over Spanish airspace, the GOS has opted not to take action.

¶2. Post will return the files pertaining to Mr. Jose Munoz (2007EA250090) to EEB/TRA/OTP via diplomatic pouch.

AGUIRRE